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# Thomas Truett Ott: From Mississippi gentleman to Florida lawyer, state senator, appellate judge and back (1920-2005)

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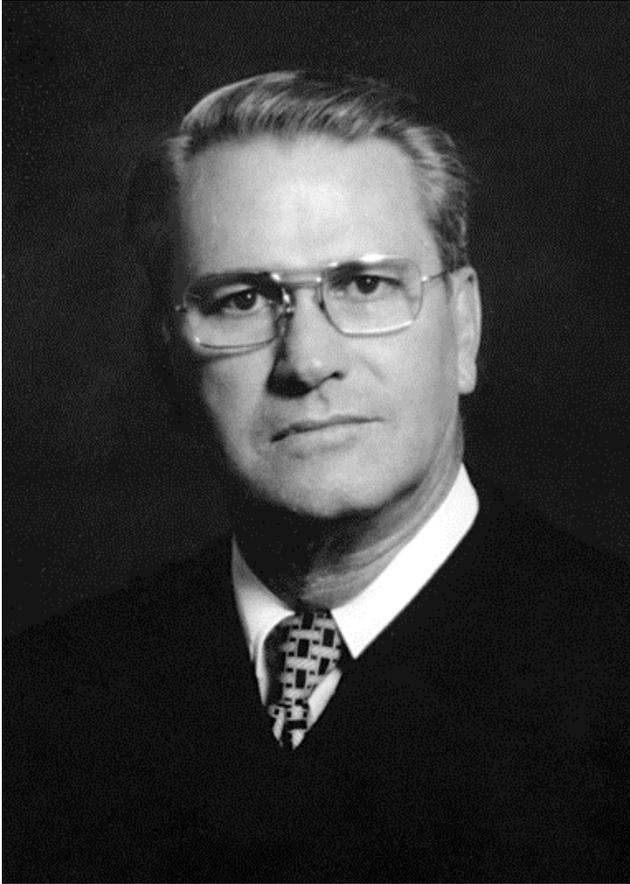
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THOMAS TRUETT OTT

FROM MISSISSIPPI  
GENTLEMAN TO FLORIDA  
LAWYER, STATE SENATOR,  
APPELLATE JUDGE AND BACK  
(1920-2005)

Those of us who were exposed to English Literature 101 in school a millennium or so ago probably thought on seeing the name that George Eliot was a strapping, Victorian-era male. His real name was Mary Ann Evans, and he was, of course a woman. Her photograph reveals that George was not a beauty. She focused largely on moral issues but she stopped going to church on principle. On one occasion she was seen strolling through Trinity College, Cambridge, speaking these words: ‘God’, ‘Immorality’, and ‘Duty’.; then she announced that the first was inconceivable, the second

unbelievable, but the third was ‘absolute and peremptory.’ Eliot was but five years of age when Lord Byron died at Missolonghi, Greece in 1824. When asked about his religious views, Byron answered: I deny nothing but doubt everything.

Truett Ott’s forebears were strong southern Baptists and it is a certainty that their faith prevailed over the atheistic beliefs of Eliot and Byron. Truett’s life was an affirmation of the beliefs of his ancestors which were passed along to him undiluted. After his World War II service and his undergraduate work followed by his graduation with honors at University of Florida College of Law in 1948, he became connected solidly at First Baptist Church of Tampa. When Judge O.K. Reaves, who for many years had taught an adult Sunday School class at the church, became physically unable to continue, Truett Ott assumed that responsibility and continued teaching in the Sunday School program for more than half a century. As an aside, this scribe and wife are parents of two other children but we will never forget when our oldest daughter, Rosalie (Dede) now 60, who attended Sunday School in a Presbyterian setting at an early age, referred to those who attended Truett’s church as “Bap-A-Tists”. We still chuckle when reminded of it.

Truett Ott was a true Son of the South. His early years were spent in Osyka, Mississippi, his beloved birthplace. Osyka is a small town in southernmost Miss., hard

by the Louisiana state line. It was even smaller when Truett arrived, the second child and only son of W. J. and Maggie Ott, on October 25, 1920. Fate or destiny, call it what you may, played a role in Truett's decision to return to his roots following his retirement from the Second District Court of Appeal in 1985.

Lucy Vernado compiled an informal history of the town of Osyka spanning the years from 1812-1978. She relates that Osyka ( a Choctaw Indian name meaning “ Soaring Eagle”) had never, as of the time of her historical account, had a population which never exceeded one thousand. She also said some things which could be prophetically apt when applied to Truett and Anita Ott: “ In Osayka, the young grew up, go away, return, and then go away again, to return in retirement to enjoy their leisure years. The past determines the present and affects the future. The past trails after us all through the years whether or not we desire that it should. Blessed are the children whose parents, or other adults, take time to share with them their past experiences. The young seem to tune out adults, yet they remember far more than we realize. Then, at some future time, memories of what has been heard returns like shining meteors to brighten their days. How often we hear someone say, “I wish that I had listened more and had recorded what was told to me.” Alas, it is too late!

When Truett was born, his parents gave him the Christian name Truett out of admiration for George Washington Truett, Southern and worldwide Baptist leader. The latter personage was pastor of the First Baptist Church in Dallas, Texas from 1897 until his death in 1944, growing to become the largest congregation in the world at the time. Rev. Truett was so famous that he made an address on Baptists and Religious Liberty on the steps of the Capitol in Washington, D.C. in May of the same year in which Judge Ott was born.

After finishing high school in his hometown, Truett was granted a working scholarship at Hinds Junior College, Jackson, Miss. And lettered in tennis for both years; it was a sport he enjoyed and continued to play until his retirement and move back to Mississippi. Truett and Britt Whitaker, well known journeyman Tampa lawyer and son of the legendary Pat Whitaker of another era, competed in a pickup tennis match, probably at Davis Islands Tennis facility in the late seventies. Britt was years younger, in good shape and considered himself to be a pretty good player, and he said recently that he was confident he would virtually run his older opponent off the court. At a recent informal gathering of former Tampa judges at an informal luncheon at Valencia Garden, Britt conceded that Truett beat the socks off him, to his surprise and chagrin. Britt lives in Tampa but is retired from the practice of law.

The most important “ match” of his life resulted in Truett's winning the heart of Anita Williams, his wife of 63 years. She was born in Graceville, Fla. but grew up in Tallahassee, a descendant of Andrew Elton Williams, a large pioneering family in this state.

It all started at Florida State College for Women, forerunner of F.S.U. in Tallahassee where Anita, two years younger than Truett, was enrolled. They met at a

school party. Her brother, Hugh, was an invitee, and Truett was included as Hugh's friend. The school social took place not long before the first phase of Truett's service in the Army Air Corps over the ensuing five years during World War II. There follows a summary of his service in both the Army Air Corps and the U.S. Air Force which was created as a separate department on Sept. 18, 1947:

*Entered U.S. Army Air Corps Flying School as aviation cadet in January, 1941-graduated and commissioned 2<sup>nd</sup> Lt. October, 1941. Assigned to 54<sup>th</sup> Fighter Group at Dale Mabry Air Force Base, Tallahassee, Florida. Ordered to Panama Canal Zone with 54<sup>th</sup> Fighter Group on December 9, 1941. Served continuously in this Theater as a fighter pilot- became assistant Director of Operations and Training for 26<sup>th</sup> Fighter Command and finally, Assistant Director of Operations and Training Caribbean Defense Command. In this capacity worked with Governments and Air Forces of all Central and South American Countries in setting up, training and incorporating their flying units into U.S. Air Force Combat Elements for joint operations in the various combat areas and in supervising the U.S. Air Force Fighter operations and training in the numerous installations throughout Caribbean, Central and South America. Discharged with rank of Major in January, 1946. Recalled to active duty with rank of Lt. Col. in June 1950 at outbreak of Korean War and served 17 months as Director of Operations and Training, MacDill Air Force Base.*

During Truett's absence, Anita stayed busy; she graduated from FSCW, taught school in Tallahassee and gave birth to their first child, a daughter. They moved to Gainesville following WWII and lived in "Flavet Village" (GI housing). While Truett was finishing his education, they had a second child. After graduation they moved to Tampa where they remained for 40 years, having two more children. Both were heavily involved in the community. Truett's professional and public service will be detailed later. Anita's involvement included offices in the Hillsborough County Bar Auxiliary, service on boards of the Heart Association, Metropolitan Ministries and P.T.A. Boards of Gorrie, Wilson and Plant High School. She was also a leader in Brownie and Cub Scout troops, and teacher of Women's Bible Class, First Baptist Church of Tampa.

Dallas Albritton is one of Tampa's best-liked and respected lawyers. A leader in his church, he is likewise a former prosecutor and past President of the Hillsborough County Bar Association. He is a veritable font of knowledge about the life and times of Judge Truett Ott. Here is what he has to say:

*"He attended law school at the University of Florida and graduated with honors. He played football in his early college career but I'm not sure exactly where or when.*

*He practiced with Mabry, Reaves, Carlton, Field & Ward, where he served as a trial lawyer, primarily for the defense. He was called to active duty from the Air Force Reserved during the Korean War and was assigned as the Base Operations and Training Officer at MacDill Air Force Base, with the rank of Lieutenant Colonel. I know that the Air Force later tried very hard to keep him, offering him a regular commission and promising him a promotion to full Colonel, but he declined, to return to law practice with*

*Mabry-Reaves. In early 1956 he formed a law partnership with C.J. Hardee, Jr. for the purpose of representing plaintiffs. I became a junior partner in the firm later that year. Terrell Sessums joined the firm in 1958. (Terrell and I later formed a law firm, together with Steve Sessums, known as Albritton, Sessums & Sessums, in January, 1961.) Truett and C.J. practiced together for several years. Among the lawyers who practiced with them were Frank Hamilton, who became a partner, and the firm was named Hardee, Ott & Hamilton. Other associates who spent some time in that firm were Judge Bob Mitcham, Judge Guy Spicola, J. Bert Grandoff, Judge of Industrial Claims Bill Douglas, Lanny McCullers, Peter Macaluso, and others.*

*The firm was one of the pioneer plaintiff's firms in the state. Truett was the lead counsel of most of the cases, although C.J. Hardee generally tried the maritime cases because he had the greatest familiarity with that work. The firm also undertook a few criminal defense cases, the most notable of which was the Gwendolyn Hoyt case, in which the Hardee & Ott firm attempted to quash the jury venire because there were not women on it (Cart Durrance was co-counsel in this matter), a very bold move for the times. The U.S. Supreme Court denied certiorari, Justice Douglas dissenting. Later the Hoyt case was recognized as major step in bringing about judicial recognition that women had a right to serve on juries. This case is written up in a book on the subject and I can find the citation for you if it is important.*

*Truett and C.J. were quite active politically and major candidates came to their office for counsel about their political races, including Claude Pepper.*

*Truett ran for State Senator from Hillsborough County and won over the incumbent, Rene Zacchini. After serving as Senator, he was elected without opposition to the Second District Court of Appeal, where he served until retirement. In his last remarks to the Bar at the time of his retirement, he urged that the profession not become centered on earning big incomes but to be always sure that law was a profession and the practice of law was an opportunity to be of service rather than a means to accumulating a fortune.*

*Truett was an excellent athlete. For many years he played handball at the Y most working days. He also played a lot of tennis, a game he enjoyed and played very well. I believe Mike Kinney played with him frequently. He was also an avid outdoorsman and loved to fish.*

*A quick anecdote, When Truett, C.J., and I were practicing together, C.J. spotted me in the hall and said, "I would like for you and Truett to meet me in my office." The demeanor on C.J.'s face when he spoke to me made me think that something very serious had happened, something of deep concern. I spoke to Truett and we joined C.J. C. J. closed the door and looked at me and Truett. "Boys," he said, "the mackerel are running!" Truett and I were happy to join him in plans to go fishing for mackerel the next day, even though it was the middle of the week. First things, first.*

*Truett's devotion to his family should be mentioned. His family was the focus of his life, this had priority over all other interests."*

Charles Pittman of Tampa, admitted to the Florida Bar in 1963, and for many years member of the firm, MacFarlane, Feguson, Allison & Kelly, was asked to share his knowledge about Judge Ott with particular reference to their mutual affiliation with First Baptist Church. His responsive letter reads:

*Tampa, Florida  
June 29, 2006*

*Dear Judge Buck,*

*Re: Judge Truett Ott*

*Truett was a very active member of First Baptist Church Tampa when I joined in 1964, and he stayed active until he retired and moved in Mississippi in 1984.*

*I believe the story you recounted about Truett refusing to become a deacon because it required a pledge of total abstinence is true. Dr. Millard Berquist was pastor from 1947 to 1957. Berquist was totally against alcoholic beverages.*

*Truett later became a deacon and served as chairman in 1976. Truett taught the Business Men's Bible Class for many years and taught other groups between 1975 and 1984. He was president of Trustees First Baptist Church, Tampa, Florida, probably from 1972 until 1984. The Trustees are the legal entity that holds title to property and executes contracts for the church.*

*In 1983, the Southern Baptist Convention elected Truett as its representative to the Baptist World Alliance. He served 10 years until 1993. I know Truett and Nita traveled considerably as part of Truett's duties, but I don't know the full extent because they lived in Mississippi at the time.*

*In 1984 First Baptist Church engaged in a capital fund raising campaign. Truett initially agreed to serve as chairman until someone pointed out to him that judicial ethics prevented him from serving in that capacity. He promptly resigned.*

*I remember Truett as a Godly man, a good husband and father, and a man's man. But I don't recall any amusing anecdotes. I'll write again if I think of anything else.*

*I appreciate what you are doing and enjoy reading your work.*

*Sincerely,*

*Charles Pittman*

As was noted by Dallas Albritton earlier in his narrative, Ott won a contested race for State Senate in 1966, serving until 1972. For the decade prior to the latter venture, he was vigorously practicing law as founder of Hardee, Ott & Hamilton. Evidently, he had severed his connection with the Mabry Reaves law firm ( now know as Carlton Fields) on account of some degree of conflict with Edward B. Rood (now deceased). Truett was elected without opposition to the Second District Court of Appeal on Sept. 7, 1976 and assumed office in January, 1977. It was during the latter year that Governor Reubin Askew appointed Paul W. Danahy, Jr. to the Second Dist. Court which was headquartered in Lakeland at the time.

Judges Ott and Danahy became friends, worked together and both were transferred to the Tampa Branch offices effective Sept. 29, 1980. As a brief sort of footnote, this writer was invited by Judge Ott to substitute for him in Lakeland in the latter part of 1980. It was a memorable experience for an inferior judge, by whom two no doubt forgettable opinions were issued, thanks to the kindness of Judge Ott.

Judge Danahy ( now retired but still sitting from time to time in Tampa as called upon at the appellate level) some time ago wrote Dallas Albritton his impressions regarding their mutual friend, Judge Truett Ott:

*“Truett, he remembers, was a man with an orderly mind and work habit. He was always well prepared at court and prompt. I recall how neat and orderly his desk was. He tackled one issue at a time, disposed of it, and moved on to the next. He listened closely to the arguments of attorneys, and panel judges in conferences as well. His sharp mind was always open and without “agendas” as the saying goes in modern legal parlance.*

*I think Truett planned ahead in life as well as the Lord allows one to do so. As you know, before the merit selection process, Truett ran for judicial office; then after 2 years was retained, serving, I believe 8 years on the 2 DCA. I'm sure he figures ahead this his military time, plus Senate time, plus the years at a higher salary on the Court would give him sufficient state pension, coupled with his private assets, to enjoy his retirement back in the old “Osyka” where he could enjoy his boyhood surroundings and*

*play tennis on his lighted new court. He left quietly and without much fanfare, or, as I recall, even a farewell party by the court. But that Truett- had it all planned out, and did it!*

*One great service to the court, the public and practicing attorneys of the Tampa Bay area; in 1979 the Supreme Court received a report from its Commission established to study the need for a 5<sup>th</sup> DCA. Tem Clark was a member, perhaps its Chairman. In a lengthy and detailed report of caseloads and other data, the Commission recommended a fifth DCA to be located in the Tampa/St. Pete area. The Supreme Court adopted the report in an opinion, sending along its request to the legislature. Speaker Hyatt Brown, past president of the Daytona Beach Chamber of Commerce, in need of some urban renewal downtown, turned the Supreme Court's request upside down, and rammed through his bill creating the 5<sup>th</sup> DCA in Daytona, leaving the 2<sup>nd</sup> DCA with much greater need for relief, high and dry. The following session Lee Moffitt became Speaker and Peterson ( who Truett had just recently served with ) became Senate President. To make a long story longer, Truett and I figured out a plan to get a Tampa branch on the cheap since there were no funds, nor any basis in the statutes to do so. First, we had to overcome a reluctant court to at least support a move that wouldn't cost much, nor stir up controversy. So we went to Moffitt and Peterson who were not thrilled with the idea and who wouldn't support any funds in any event since they were then funding the new 5DCA in Daytona. We moved about quietly with the County Commission and Chief Judge for space. The judges agreed to help and use any courtroom not in use for oral arguments. The Sheriff loaned a bailiff, and the Commission said we could renovate the old Stovall Prof. Bldg next to the then Tribune building – at our expense. Truett and I drew a one-sentence amendment to the DCA statute authorizing a “Branch Hqrs” for the 2 DCA; our Marshal “found” some \$70,000 to renovate tight space for 5 judges, phones and no receptionist and the Tampa Branch was up and running. Later it was relocated to the TECO building on Franklin St. thence to the top floor of the County Courthouse Annex on Twiggs St., and presently on the top floor of Stetson Law School on Tampa Street where the court shares the very nice courtroom on the first floor. The financing for these moves has been creative to say the least. Bottom Line: Truett was a forceful leader and dogged worker to obtain a Tampa Branch for the court. His efforts took countless hours and were of great benefit to the operation of the Court, attorneys and the public. Truett was the unsung leader without question.*

Truett and I would walk about downtown after lunch and talked about what Tampa would soon become as the financial and legal and commercial center of west coast Florida. I know that today Truett would get a big kick out of the look of downtown Tampa. He'd also break into a big smile if we were just jawboning and I reminded him of a custody case in which he had affirmed the trial court, and the losing party opined to the St. Pete Times that, “ *They're just three old farts (referring to a panel of Truett, me and Jack Scheb. Many times we discussed our view of mankind, the political scene of today and the past, and God's hand in it all. Truett was a good man who did his best to do good things and good works to benefit others. Like you, I shall miss him.*”

One of Truett's admirers was Tampa lawyer, Valeria Hendricks, and the following extended remarks attest to her feeling about Judge Truett Ott:

*I served as a law clerk to Judge Ott on the Second District Court of Appeal from October 1, 1984 until he retired in December 1985. Judge Ott, a tall, athletic man, had an incredible essence that was amplified by his roaring Southern accent. No doubt that voice still echoes through the chambers of the Florida Senate (where he served), as well as through the Second District Headquarters in Lakeland. Charlotte Sims, his judicial assistant, gave me some advice when I started working for him: "If he yells, chances are he's yelling at the case, and not you." I heeded that advice on several occasions and just sat silently as he got his frustrations off his chest.*

*I still hear his voice of wisdom in my own head from time to time. The most memorable of lessons I learned from Judge Ott is that a judge must follow the law even when it conflicts with the judge's personal moral or religious beliefs. I observed Judge Ott, a devout Baptist, once grapple with a decision that pitted his faith against his judicial duty to follow the law of Florida. In resolving the issue according to his judicial duty, he commented that it was not his judicial function to impose his personal beliefs on the citizens of this state.*

*Judge Ott, possibly because of his years in the Florida Senate, had an intuitive sense of the law. He would sometimes tell me, "V, I know there's a case out there that says..." Sure enough, my legal research would turn up a case (or two) that stood for the proposition he was quoting. He told me when I first started my clerkship that he knew better than I did at that point, but soon I would be telling him the law.*

*He was extremely devoted to his wife and children. In addition, his church was a large part of his life. He also loved Mississippi and the home he built there. After serving on the Second District, he enjoyed his retirement in Mississippi.*

*The following words came to mind when I thought about Judge Ott:*

*Dynamic  
Vibrant  
Energetic  
Tough  
Genuine  
Fair*

*His voice was booming but he was a gentle man. When he was unable to locate a document, his voice thundered: "CHAAALETT" (in his most southern dialect). I can't find the Smith opinion." I would enter his office, calmly check the scattered papers on his desk, and locate the lost item. He would then quietly smile and say "Thanks." His smile was quick, and I never felt intimidated by him, although I know there were others who were wary in his presence.*

*He was the ultimate Southern gentleman and scholar.*

*He exuded confidence and a dignified bearing.*

*He very much enjoyed playing tennis and seldom missed an opportunity to play.*

*I have the unique pleasure of being reminded of Judge Ott each day. Judge Chris Altenbernd, for whom I have worked the last seventeen years, does his work at the same desk that Judge Ott used when I worked for Judge Ott in the 80s. (I guess all this makes me pretty old.)*

In addition to his other personal and professional accomplishments, Judge Ott served as an adjunct professor of political science at University of South Florida. He was retained as judge of the Second District Court of Appeal in 1982, and also served as Chief Judge of the court 1982-1984.

He departed this life on May 14, 2005 at Osyka, Miss. as result of a heart attack, leaving as his survivors his wife, Anita, daughter, Sandra Gardner, sons Thomas Ott, Gary Ott and Hugh Ott and his sister, Ruby Mae Stubbs, 12 grandchildren and 2 greatgrandchildren. Truett Ott was the subject of a memorial tribute in the United States House of Representatives by Rep. Jim Davis of Tampa on June 8, 2005.

Truett Ott's record of devotion to his work, to his family and to his God assures his place in the pantheon of Hillsborough County's finest public servants.

Morison Buck

AFTERWORD:

#### ALPHABET FOR LIFE

Accept differences. Be kind. Count your blessings. Dream. Express thanks. Forgive. Give freely. Harm no one. Imagine more. Jettison anger. Keep confidences. Love truly. Master something. Nurture hope. Open your mind. Pack lightly. Quell rumors. Reciprocate. Seek wisdom. Tough hearts. Understand. Value truth. Win graciously. Xeriscape. Yearn for peace. Zealously support a worthy cause.

Author Unknown